

History of the Development of the Uniform Building By-Laws 1984

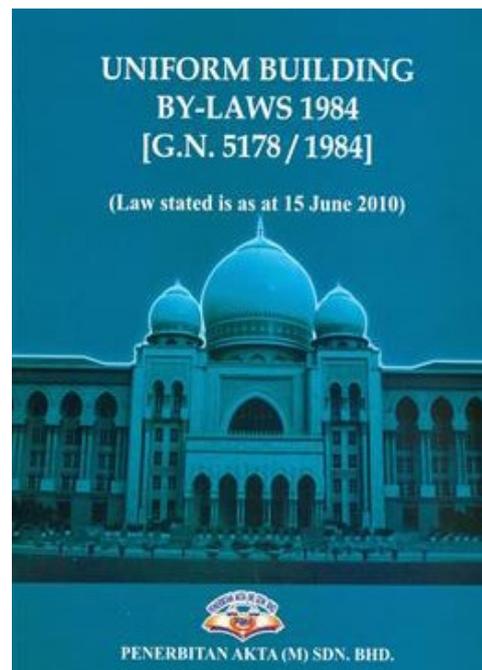
By Ir. Fong Tian Yong

The author acknowledges the contributions of the late Dato' Kington Loo and Ir. Chiam Teong Tee for their dedication and perseverance on the tedious effort of completing the UBBL.

When the idea of self-regulation for the delivery of buildings was mentioned for the first time in 1997, I was then the Director of the Building Control Unit under the Ministry of Housing and Local Government (MOHLG). The Government then had exhausted ways to convince local authorities to speed up the handing over of the buildings after completion of construction. Circular after circular was issued to advise local authorities on the do's and don'ts to expedite the issuance of Certificate of Fitness of Occupation (CFO), such as not to impose additional conditions once the Building Plan was approved, and that the CFO had to be processed within 14 days from date of submission of application through Form E. However, it was to no avail and complaints from the building industry continued.

The MOHLG then decided to allow the Submitting Person for Building Plans of singly-built detached houses to issue an equivalent of a CFO instead of the local authority. I was asked to use a different term from 'CFO' to differentiate the two. I immediately called up the late Dato' Kington Loo, a renowned architect who was the key person behind the drafting of the Uniform Building By-Laws (UBBL). Without hesitation, he suggested the term "Certificate of Completion and Compliance" (CCC). The term was duly used in UBBL when it was amended in 1999 whereby the Submitting Person of Building Plan has the choice to issue a CCC for a singly-built detached house or to apply to the local authority to issue a CFO.

This piece of legislature created some uncertainty among the architects who were unsure of the system and authority given to them to



issue CCCs. The majority of them still preferred to submit Form E to local authorities for the issuance of a CFO. Only a handful of architects, particularly those from Penang state started to issue CCCs for such buildings.

Subsequent to this pilot trial, the MOHLG was planning to extend the practice of CCCs as self-regulation to different categories of buildings phase by phase, starting with factories first. However, the Government in 2005 decided to extend the practice of CCCs to all categories of buildings due to complaints, particularly from investors involved in factory development for manufacturing purposes.

It was a major decision as six related laws had to be amended simultaneously including the Street, Drainage and Building Act, UBBL, Strata Title Act, the Building and Common Property Act, and the Housing Development Act and Regulation. The Ministry of Housing and Local Government set up a Working Group (WG) to amend the UBBL by introducing the CCC. The working group consisted of stakeholders from the industry and three permanent members i.e. Ir. Fong Tian Yong from the Ministry, Ir. Chen Thiam Leong from the Association of Consulting Engineers Malaysia (ACEM) and Ar. Tan Pei Ing from *Pertubuhan Akitek Malaysia (PAM)*.

The WG decided to introduce the following provisions in the UBBL among others:

- (a) introduce the concept of the Principal Submitting Person as the lead consultant of the project to issue the CCC.
- (b) assign accountability to various stakeholders involved in the project to make them accountable through the signing of the respective forms G1 to G21.

The amended UBBL incorporating the CCC came into force on April 12, 2007 and since then, all buildings with Building Plans approved after April 12, 2007 will fall under the regime of the CCC which will be issued by the Principal Submitting Person. This also marked the beginning of the era when Professional Engineers are given the power to issue CCCs for buildings under Appendix C, as defined in the Joint Circular on submissions of Building Plans between the Board of Engineers Malaysia and Board of Architects Malaysia.

History of the development of UBBL

UBBL 1984 has been implemented for 30 years now since its effective date of implementation in 1986 but not many know that the action to draft the UBBL started 60 years ago. Dato' Kingston Loo made the effort to forward a paper to the Local Government Department in 1999 entitled "The Uniform Building By-Laws 1984 – A Brief history of its Development and Evolution". I felt duty bound to reproduce the salient points of that paper as it recounts the history of the tedious process of going through the complex subjects involved by

a team of dedicated professionals, which was headed by Dato' Kingston Loo himself.

Introduction

The document set out the background to the UBBL, why and how they came about as well as the key people who were instrumental in and contributed to its formation. This is necessary because after nearly half a century, memories may fade and there is a danger that important events may become lost forever. The paper was based on Kingston Loo's own direct and personal knowledge based on the records of the many files of draft after draft, minutes of meetings as well as notes he has kept. Some of course, have unavoidably become faded with time or consumed by silverfish or high humidity, but fortunately the bulk of these were retrievable.

In 1974 when the Street, Drainage and Building Act was enacted, among various reasons, it was "to amend and consolidate the laws relating to street, drainage and building in local authority areas in West Malaysia, and for purposes connected therewith".

The key word was to "consolidate". The reason was to improve the situation that had hitherto been hampering the progress of development throughout the country and which was already overdue at that time. Why this was so, will be explained a little later. But first, lest it be forgotten, is some background context.

Although building construction activity was revived after the end of the Japanese Occupation, the adequacy or otherwise of the relevant regulations was not really noticed because building materials were in short supply and works undertaken by architects comprised mainly repairs and renovations or valuations and expert opinions for claims from insurance companies. Besides this, emergency controls were in place and were imposed by Competent Authority under the provisions of Legislation for the control of Building. Later on, the implementation of the "Briggs Plan" for the settlement of squatters throughout the country involved the demolition and re-construction of thousands of dwelling units all over the country. The Public Works Department (PWD) had then estimated that even with the total available manpower in the building trade,

the resettlement plan could not be completed within a reasonable period unless all PWD work scheduled under its normal programme together with all private sector work was totally suspended. This would unavoidably result in a severe shortage of building labour and materials. So to achieve the time target, it was made necessary to obtain a licence for all new buildings from the “Competent Authority” who had powers to impose any condition as it might consider necessary. Hence, it was not until the “Briggs Plan” for resettlement had been completed that architects or other submitting persons were concerned with the requirements of the then-existing building regulations.

But with the resumption of more private sector work after the completion of “Briggs Plan”, submitting persons began to feel the impact of building control measures enforced under the many diverse regulations of the various Town Boards, Sanitary Boards or municipalities. Thus, professionals applying for statutory permits or approval found it extremely tedious, confusing as well as time-wasting to have to ascertain the peculiar requirements of the authority he had to submit plans to before he began his work, or to make assumptions only to discover when the plans are rejected, that he had not been conforming to the requirements of that particular authority. Simply put, besides being a nightmare and an utter waste of time and patience, it was a serious impediment to redevelopment which had become a necessity after the long period of inactivity.

Then, starting with the Kuala Lumpur Municipal area which had become the centre of building activity and having the largest number of architects, the situation fast became a source of dissatisfaction. By the early 50s, the FMSA (Federation of Malaya Society of Architects and predecessor of the present PAM) voiced the dissatisfaction of their members to the authority that the Kuala Lumpur Building By-Laws were inadequate. This resulted in two members of FMSA being assigned to serve on the Kuala Lumpur Municipality By-Laws Committee.

This Committee was responsible for the Kuala Lumpur Municipal (Building) By-Laws 1958 which came into force on April 17, 1958. These By-laws continued to be in force in Kuala Lumpur until they were replaced by the Kuala Lumpur Municipal

(Building) (Amendment) By-Laws, 1975 which were gazetted on June 26, 1975.

At this time in the early 50s, practising architects began to encounter problems when they submitted plans for buildings to various local authorities throughout the country. The regulations and by-laws then applicable were either not available – being out of print, or the provisions varied from one authority to another and were inconsistent, antiquated or too restrictive. This then became increasingly burdensome. Architects had to overcome the first problem by resorting to borrowing the documents from their lawyer’s libraries (and copies could only be made by the laborious process of hand-copying them as this was before the advent of Xerox), and to ascertain aspects of the by-laws really challenged the creativity of the submitting person to argue his way around it.

So, even before independence, members of the architectural profession (who were then only very few in number) had expressed their dissatisfaction and frustration to whoever would listen to them. This was seen to be a serious hindrance to the development and modernisation process of the post-war Malaya. To recap, the main complaints were:

- (a) non-availability of the by-laws
- (b) their lack of uniformity throughout the country, and
- (c) their antiquated and inadequate provisions.

This resulted in the following series of actions which are briefly recounted below.

Pre-Independence Period

1957 FMSA submitted a case to the Minister of Natural Resources and Local Government that there was an urgent need for a set of updated uniform building by-laws and regulations to replace the various antiquated sanitary boards ordinances and municipal by-laws.

Post-independence Period

LATE 1950s TO EARLY 1960s Government took action and appointed W. G. Wicks, a Building Surveyor in private practice to prepare the “Uniform Building By-Laws” for the whole country. As progress on this assignment was both slow and not visible, FMSA continued to urge Government to speed up the progress of these much-needed uniform building by-laws, the lack of which was already seriously

hampering the work of the professionals having to obtain approvals from the various local authorities throughout the country.

AUG 23, 1963 FMSA President wrote to the Director of Public Works enquiring about the progress made by W. G. Wicks who had been appointed by Government to undertake this important and urgent task some years earlier. W. G. Wicks replied to DPW expressing regret that he was no nearer completing the task but offered to serve on the committee the FMSA had set up by that time to take over the assignment. The setting up of the committee was the pro-active action of the youthful society of architects.

SEP 24, 1963 David Rew, Senior Architect wrote on behalf of the Director of Public Works and invited FMSA to submit proposals for the administration of the assignment for consideration.

OCT 25, 1963 Meeting of ad hoc committee with David Rew. This resulted in a proposal which was submitted on December 17, 1963 setting out, among other matters, the urgent need for the UBBL, proposed composition of the committee with full support of the Government and forming of two committees on UBBL and Uniform Planning By-Laws.

JAN 22, 1964 Minister of Works, Posts and Telecommunications approved FMSA's proposals and appointed Dato' Kington Loo as Chairman of the "Building Regulations Committee".

Walter Fairbank, Commissioner of Town and Country Planning was appointed Chairman of the Planning By-Laws Committee.

MAY 13, 1964 First Meeting of the Uniform Building Regulations (UBR) Committee. It took longer than expected to organise the first meeting due to the nomination process of representatives from various institutions and associations. The members of the first committee were:

- Chairman – Kington Loo
- One architect and one engineers from PWD – Yap Pow Veng & Kok Tat Cheong
- Two representatives from FMSA – Hisham Albakri & Tham Chan Wah
- One structural engineer from IEM (PJ Development Corp)- AS Bhatt

- One Mechanical engineer from IEM (Malayan Railway) – Dalip Singh
- One sanitary engineer from IEM (PWD) – Chin Thean Huah from PWD
- Two electrical engineers from IEM & CEB – Foo Yeow San & SR Coglin One structural engineer from IEM (Steen Sehested & Partners) – Phillip YC Chow

The meeting agreed to continue the work from where W. G. Wicks had left off; to use the existing Kuala Lumpur and the newer Petaling Jaya By-Laws as the basis and to use the draft Buildings Ordinance prepared by the Building Research Station of the UK for use in overseas territories.

1964-67 Work on the draft Uniform Building Regulations ("UBR" as they were referred to at the time) was virtually completed with the exception of the section on Mechanical Ventilation and Air-conditioning, which proved to be of some difficulty as it was then a relatively new field. Ready and generous assistance was obtained from the Building Research Station, Herts, UK which supplied a wealth of technical information on many aspects.

OCT 10, 1968 Collapse of the 4-storey Jalan Raja Laut Flats and the ensuing Royal Commission of Enquiry found that under the then-existing Kuala Lumpur By-Laws, it was not possible to pin-point the responsibility on any person including the submitting person, the approving authority or the building contractor. Clearly, this was a serious deficiency when one could be held legally responsible for the collapse of a building resulting in the loss of life.

DEC 1, 1969 The National Operations Council (NOC) directed the Ministry of Housing and Local Government to bring forth a draft Building Act and model Building By-Laws as expeditiously as possible.

Ministry of Housing and Local Government acted by establishing a Co-ordinating Committee on Building Regulations and Town & Country Planning Act with the Ministry's Secretary General, N. Jagathesan as Chairman. Three Technical Sub-Committees were established as follows:

- a. Uniform Building By-Laws Chairman – Kington Loo

- b. Drainage, Sanitation and Sanitary Plumbing By-Laws Chairman – A Sekarajasekaran
- c. Private Street By-Laws Chairman – A S Bhatt

The Co-ordinating Committee was responsible for drafting the main enabling legislation as well as co-ordinating the work of the three Technical Sub-Committees.

The UBBL Sub-Committee's composition

- Chairman – Kington Loo
- One architect and one engineer from Ministry of works, Post and Telcommunication – Yap Pow Veng & Kok Tat Cheong
- Two representatives from Federation of Malaya Society of Architects (FMSA) – Hisham Albakri & Tham Chan Wah
- One structural engineer from ACEM – Y S Lau & Ganendra
- One mechanical engineer from ACEM – Yeo See Wang
- One sanitary engineer from ACEM – Chong Koon Kee
- One electrical engineer from ACEM – Lye Fah Yew
- One electrical engineer from National Electricity Board (NEB)
- One representative of Municipal Architect, Kuala Lumpur Municipal – Tan Chor Eng
- One representative from State Development Corporation, Selangor – A S Bhatt
- One representative from Town Planning Institute (Malaysia Branch) – Chung Weng Foo
- One representative from Fire Bridge Kuala Lumpur – P. Gloz, Chief Inspector of Fire Services (CIFS)

MARCH 1973 Proposed Street, Drainage and Building Bill was published for general information and public comment.

APRIL 1973 Uniform Building By-Laws published for general information of and comments from the public. Resulting from the Bill, a total of 19 written submissions were received. These were all considered carefully by the working group of the Uniform Building Regulations Sub-Committee.

JUNE 13, 1974 Street, Drainage and Building Act, 1974 – Act 133 gazetted. This Act empowering the State Authority to make by-

laws for all aspects of buildings, streetworks and drainage works was the first significant step taken. All that remained to be done by the legislators was the speedy implementation of the three corresponding sets of supporting by-laws, the drafts of which had already been published on April 5, 1973.

SEP 11, 1974 Report of the UBR Sub-Committee submitted to the Co-ordinating Committee. The Report considered the 19 written submissions and emphasised the need for adequate personnel to implement the UBBL and recommended that the UBBL be reviewed as frequently as possible.

JUN 23, 1975 Kuala Lumpur Municipal (Building) (Amendment) By-Laws, 1975 gazetted. These were based on the draft of the UBBL by the Ministry's UBBL Technical Committee but incorporated various amendments as well as errors that the Working Group had already identified. However, practitioners soon discovered to their dismay as well as inconvenience that these amendments and errors in the KL By-Laws were a result of referring to an earlier draft of the UBBL. In addition, a number of new provisions had been incorporated. This resulted in many contradictory provisions and therefore were impossible to comply with, while others had far-reaching consequences.

OCT 1976 TO OCT 1977 PAM UBBL Standing Committee reviewed the KLM (Building) (Amendment) By-Laws 1975. The Committee had 48 meetings with 31 members from the parties of Authorities, Architects, Consulting Engineers and Specialist Contractors.

JUNE 1, 1978 PAM's Final Draft of the Kuala Lumpur Municipal (Building)(Amendment) By-Laws 1978 was published. This was expected to eventually be one of the three Uniform By-Laws under the Street, Drainage and Building Act, 1974.

JULY 18, 1979 Pink colour cover of the "Uniform Building By-Laws 1976" published by the Government Printer. The unfortunate printing of this outdated and erroneous document was in response to the increasing demands by various local authorities for the "Uniform Building By-Laws", the draft of which had already been published earlier in April 1973.

However, due to the complexity and enormity of the task, it required a great deal of input and additional time. The constant movement of individual officers who had been dealing with the task caused a break of continuity and communication, resulting in the use of the earlier, outdated version of the draft for printing. This resulted in considerable confusion, especially when local authorities, naturally assuming that the Government Printer's edition of the UBBL was the authoritative document, began to print their own by-laws based on that erroneous edition.

SEP 3, 1979 PAM's memorandum to Minister of Housing and Local Government requesting urgent action to implement the UBBL.

1979 TO 1982 UBBL Technical Committee continued with work. This was unavoidable and necessary to consider the feedback received from users of earlier versions of the UBBL.

JULY 1982 Final Draft of UBBL incorporating all recommendations of the Technical Committee was sent to the Ministry for printing.

FEB 22, 1983 Minister of Housing and Local Government stated that the draft of UBBL in English was ready and was being translated into Bahasa Malaysia and when it is completed, it will be sent to the Cabinet and then to the national Council of Local Governments. After that the by-laws will be sent to the various State Governments for implementation by the respective local authorities.

MAR 1983 TO 1 JAN 1986 Effects of prolonged delay in the implementation of UBBL as well as the other two companion Uniform By-laws for Private Streetworks and Plumbing and Sanitary installations were described as "chaotic and fraught with enormous problems for all submitting persons who have to contend with the various local authorities throughout the country who are using: Pre-war legislations, or the wrong edition of the UBBL 1976 (printed by the Government Printers in 1979), or their own versions of the by-laws.

JAN 1, 1986 Uniform Building By-Laws 1984 came into force under Gazette Notification 5178/85.

APR 18, 1986 Standing Review Committee convened by the Ministry of Housing and Local Government. The Standing Review

Committee was chaired by Director General (DG) of Local Government Department of the Ministry, S. Veloo. Three Sub-Committees were established as follow:

- a. Architectural & Building Chairman : Dato' Kington Loo (PAM)
- b. Engineering Chairman : Ir. TT Chiam (IEM)
- c. Fire Requirement Chairman : Hj. Badaruddin bin Hj. Mat Isa (DG *Jabatan Perkhidmatan Bomba*)

The Way Forward

Owing to the protracted period of its birth, many of the provisions which were valid when they were first introduced have since become obsolete. Thus, it is necessary to ensure that no effort is spared to continually review and update the UBBL.

The UBBL's original purpose is to be a uniform set of building by-laws to be applied throughout the country. It should not be varied in any way without the official sanction of the Ministry of Housing and Local Government. This is because to do so would nullify its fundamental purpose and be counter-productive.

The UBBL must be a clear statement of requirements under the enabling Act, with specified penalties for non-compliance. The UBBL should only stipulate the minimum standards necessary for health and safety, and these standards should not be increased to satisfy the expectations of local authorities. The approval of plans by local authorities does not relieve the submitting person of the responsibilities of the consequences of his submission.

As time has gone by, the new players and the Ministry's officers have forgotten the other two companion By-Laws that were supposed to be also enacted i.e. The Drainage, Sanitation and Sanitary Plumbing By-Laws and the Private Street By-Laws. Perhaps we should do justice to our pioneers by re-initiating the action to complete the drafts of the above two By-Laws for implementation by the local authorities and the related stakeholders. ■

REFERENCE

Dato' Kington Loo's paper to *Jabatan Kerajaan Tempatan* dated October 27, 1999.